

ORDINANCE NO. 35-22

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING A PARCEL OF LAND MEASURING APPROXIMATELY 0.21 ACRES LOCATED AT 210 SE 3rd AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM LOW DENSITY TO COMMERCIAL CORE, PURSUANT TO THE PROVISIONS OF THE “COMMUNITY PLANNING ACT,” FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach (“City”) exercised the authority granted pursuant to the provisions of Florida Statutes Sections 163.3161 through 163.3248, inclusive, known as the “Community Planning Act”; and

WHEREAS, in passing Ordinance No. 19-19, the City Commission adopted the “Always Delray” Comprehensive Plan, including the City Land Use Map; and

WHEREAS, 206 Delray Beach LLC., (the “Owner”) is the fee simple owner of 210 SE 3rd Avenue (the “Property”), which measures approximately 0.21 acres and is located generally south of SE 2nd Street and west of SE 3rd Avenue, as more particularly described in Exhibit “A”, Legal Description; and

WHEREAS, the Property has a Land Use Map designation of Low Density (LD); and

WHEREAS, the Owner authorized Dunay, Miskel, and Backman LLP, (the “Agent”) to submit an application for a small-scale Land Use Map amendment redesignating the Property to Commercial Core (CC), as shown in Exhibit “B”, Proposed Land Use; and

WHEREAS, pursuant to Florida Statutes 163.3174(4), the Planning and Zoning Board for the City of Delray Beach, sitting as Local Planning Agency, considered this item at a public hearing on September 12, 2022, and voted ___ to ___ to recommend that the Land Use Map designation be changed for the Property hereinafter described, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

WHEREAS, the City held all duly required public hearings prior to submission of the proposed amendment of the plan to the State Land Planning Agency of the Florida Department of Economic Opportunity (DEO), in accordance with Chapter 163.3184, *Florida Statutes*, for a small scale comprehensive plan amendment; and

WHEREAS, the City Commission of the City of Delray Beach finds that Ordinance No. 35-22 is consistent with the Comprehensive Plan, meets the criteria set forth in the Land Development Regulations, and is in the best interests of the City; and

WHEREAS, it is appropriate that Commercial Core (CC) is hereby deemed the Land Use Map designation for the Property on the Land Use Map of the City of Delray Beach, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitations set forth above are incorporated herein.

Section 2. The City Commission of the City of Delray Beach, Florida, hereby declares its intent to exercise the authority granted pursuant to the provisions of Florida Statutes Sections 163.3161 through 163.3248, Florida Statutes, inclusive, known as the “Community Planning Act.”

Section 3. The Land Use Map of the City of Delray Beach, Florida, be and the same, is hereby amended to reflect a Land Use Map designation of Commercial Core (CC) for the Property described in Exhibit “A”, Legal Description, as shown in Exhibit “B”, Proposed Land Use.

Section 4. The Land Use Map of the City of Delray Beach, Florida, shall, upon the effective date of this Ordinance, be amended to conform to the provisions of Section 3 hereof.

Section 5. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 6. If any word, clause, sentence, paragraph, section, or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void, or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 7. This Ordinance shall become effective thirty-one (31) days after adoption, unless the Comprehensive Plan amendment is timely challenged. If timely challenged, the effective date of this Ordinance shall be the date a final order is issued by the State Land Planning or the Administration Commission, finding the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this Amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this Amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED AND ADOPTED in regular session on second and final reading on this ____ day of _____, 2022.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____

Second Reading _____

EXHIBIT "A"
LEGAL DESCRIPTION

LOT 16 and the north half of LOT 17, BLOCK 87, LINNS ADDITIOIN TO OSCEOLA PARK, according to the plat thereof, as recorded in Plat Book 1, Page 133, of the Public Records of Palm Beach County, Florida

EXHIBIT “B” PROPOSED LAND USE

